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October 23, 2020

VIA ECF

Honorable Jesse M. Furman
United States District Judge for the Southern District of New York
United States Courthouse
40 Centre St.
New York, New York 10007

Re: *United States v. Alexander Arguedas, et al. (Davonte Brown)*, 20 Cr. 135 (JMF)

Dear Judge Furman:

I am co-counsel to defendant Davonte Brown in the above referenced matter. At a telephonic conference on April 30, 2020, confirmed in an Order entered on May 1, the Court granted, in part, the government's motion to revoke my client's bail and for his pretrial detention, but also made a finding that "there is a "compelling reason" justifying Defendant's 'temporary release' under the existing terms and conditions" pursuant to 18 U.S.C. § 3142(i). The Court directed that Mr. Brown surrender to the United States Marshal at the United States Courthouse at 500 Pearl St., New York, N.Y. by 2 p.m. on June 29, 2020 "unless the Court finds prior to that date — pursuant to a letter motion filed by Defendant — that 'compelling' reasons still exist to extend the Defendant's release." On June 19, 2020, the Court granted my application that Mr. Brown's surrender date be extended through September 1, 2020. Docket No. 151. On August 27, 2020, the Court granted my application that Mr. Brown's surrender date be extended through November 2, 2020. Docket No. 212. I am writing to request that Your Honor again extend the period of temporary release for Mr. Brown through Monday, February 1, 2021 because the "compelling reasons" for that temporary release still exist. When Your Honor denied the government's motion for reconsideration of the Court's June 19, 2020 order granting the prior extension, the Court made this observation:

Although conditions in New York City have undoubtedly improved dramatically, the Court needs more confidence that the crisis has passed with respect to jails and prisons before it concludes that compelling reason no longer exist to maintain Defendant's temporary release.

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Docket No. 153. The reasons for the reservations reflected in the Court's statement remain valid today. For example, despite the efforts of the Bureau of Prisons to contain the virus, on October 22, 2020, MCC's Warden reported to Chief Judge Mauskopf of the Eastern District that MCC still had 40 positive inmate cases and 47 positive staff cases. October 22, 2020 Letter to The Honorable Roslynn R. Mauskopf from M. Licon-Vitale, Warden, MCC New York and H. Tellez, Warden, MDC Brooklyn, at 3 (available at https://www.nyed.uscourts.gov/pub/bop/MDC_MCC_20201022_031918.)

I therefore respectfully request that Your Honor extend Mr. Brown's surrender date through Monday February 1, 2021. I have consulted Pretrial Services Officer Joshua Rothman in connection with this motion. He advises me that Mr. Brown has been compliant with the terms of his home incarceration, and that Pretrial Services takes no position and makes no recommendation on this application. Assistant United States Attorney Danielle Sassoon advised me that the government opposes the application, and asked that I include the following statement in my letter: "Per the Court's recent order (Dkt. 236), the Government notes its standing objection and that since Brown's surrender was last adjourned, attorney visits at MCC and MDC have resumed, and the first criminal jury trial was conducted in this District."

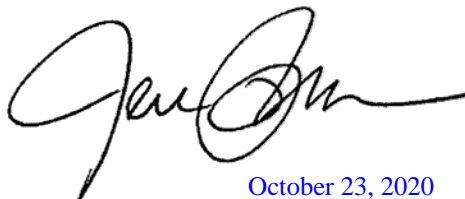
Respectfully submitted,

s/James R. DeVita

James R. DeVita

cc: Assistant United States Attorney Danielle Sassoon (by ECF)
All counsel (by ECF)
United States Pretrial Services Officer Joshua Rothman (by email)

Application GRANTED. The surrender date is hereby extended to February 1, 2021. The Clerk of Court is directed to terminate ECF No. 251. SO ORDERED.



October 23, 2020